

## **REMARKS**

This is in response to the Office Action mailed April 24, 2007. The Examiner's comments have been carefully considered.

Claim 12, the only independent claim has been rejected as being fully anticipated by the U.S. Patent to Ramanathan et al. In a telephone conference with the Examiner on July 24, 2007 the Examiner confirmed that the patent number in paragraph 7 of the Office Action should have been U.S. Patent No. 6,182,136.

The Examiner states that the individual service provider devices and the parallel service provider device are disclosed by Ramanathan et al., column 19, line 50 to column 20, line 21.

However, the reference merely shows Fig. 5 illustrating a service topology for an email service of "Read Mail" as an example implementation of the system of Fig. 3 and Fig. 6 illustrating an example of a view that may be presented to an ISP operator using the view generator 42 of Fig. 3. Figs. 5 and 6 do not teach any service provider devices.

According to the service topology shown in Fig. 5, using a client application that supports the Post Office Protocol-Version 3 (POP3), a subscriber at a desktop computer 62 attempts to access mail. Internal to the ISP system, the request from the subscriber's computer 62 may be received and processed by one of many servers 64, 66 and 68 that constitute a mail service group 70. The servers within the group are front-end servers (FESs) (column 19, lines 50-57).

Fig. 6 is an illustration of an example of a view that may be presented to an ISP operator using the view generator 42 of Fig. 3. While the oval-shaped nodes in the service model graph represent the different services and service elements, the arrows

represent measurements of services and service elements. The root of the service model graph is the Read Mail service, represented by oval 80. The state of this node represents the overall health of the Read Mail service, as assessed by the MS located in the service farm of the ISP. That is, the overall health is assessed without considering the state of the network links from the server farm to the POP sites. In one embodiment, the overall health is represented by color coding the oval 80. For example, oval 80 may be shaded green to designate a positive health of the Read Mail service, and may be shaded red if the Read Mail service has degraded in its availability or performance (column 20, lines 22-37).

This, there is no teaching in Ramanathan et al. about two types of service provider devices; the individual service provider devices and the parallel service provider device which are limited in claim 12 of the present application.

According to the present invention, the user terminals can be connected to the individual service provider devices but cannot be connected to the parallel service provider device since the former includes access point terminals for connecting the user terminals to a network but the latter does not.

Therefore, Ramanathan et al. does not teach the individual service provider devices (14A, 14B, 14C) each having access point terminals (20A, 20B, 20C) and the parallel service provider device (16) including no access point terminal.

As stated in MPEP § 2131:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). >"When a claim covers several structures or compositions, either generically or as alternatives, the claim is deemed anticipated if any of the structures or compositions within the scope of the claim is known in the prior art." *Brown v. 3M*, 265 F.3d 1349,

1351, 60 USPQ2d 1375, 1376 (Fed. Cir. 2001) (claim to a system for setting a computer clock to an offset time to address the Year 2000 (Y2K) problem, applicable to records with year date data in "at least one of two-digit, three-digit, or four-digit" representations, was held anticipated by a system that offsets year dates in only two-digit formats). See also MPEP § 2131.02. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Note that, in some circumstances, it is permissible to use multiple references in a 35 U.S.C. 102 rejection. See MPEP § 2131.01.

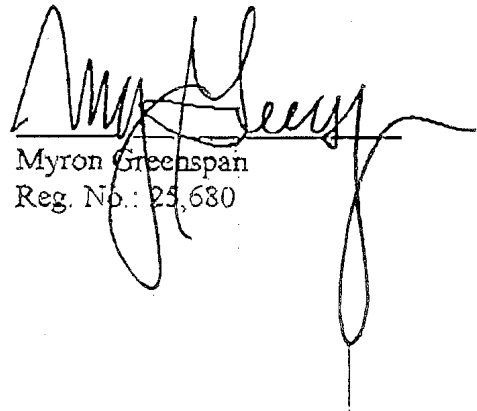
Therefore, it is clear that the Ramanathan et al. patent does not disclose each and every element of the sole independent claim 12 and, therefore, cannot fully anticipate claim 12.

The Examiner is respectfully requested to reconsider and withdraw the outstanding rejections and allow all the claims of record.

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